

CASE No.

59

SOUTHERN DISTRICT

EL RINCON GRANT

TEODORO ARRELLANES

CLAIMANT

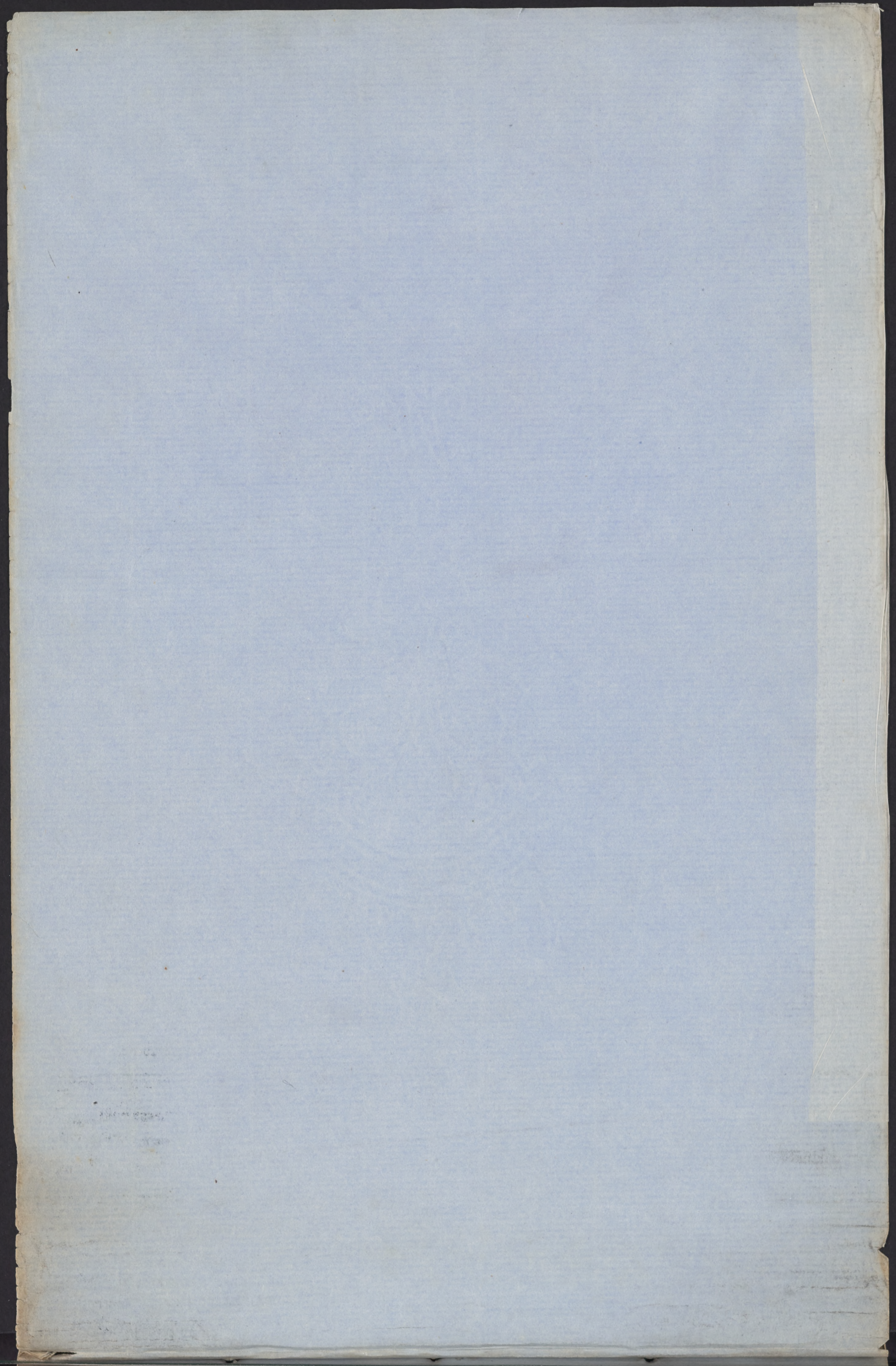
LAND CASE 59 SD pgs. 85

FEB 15 1963

NEW
SUN COLTON 1963
BROKER BOND
BANK



163



59 SD
PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 163

Teodoro Arrillanes

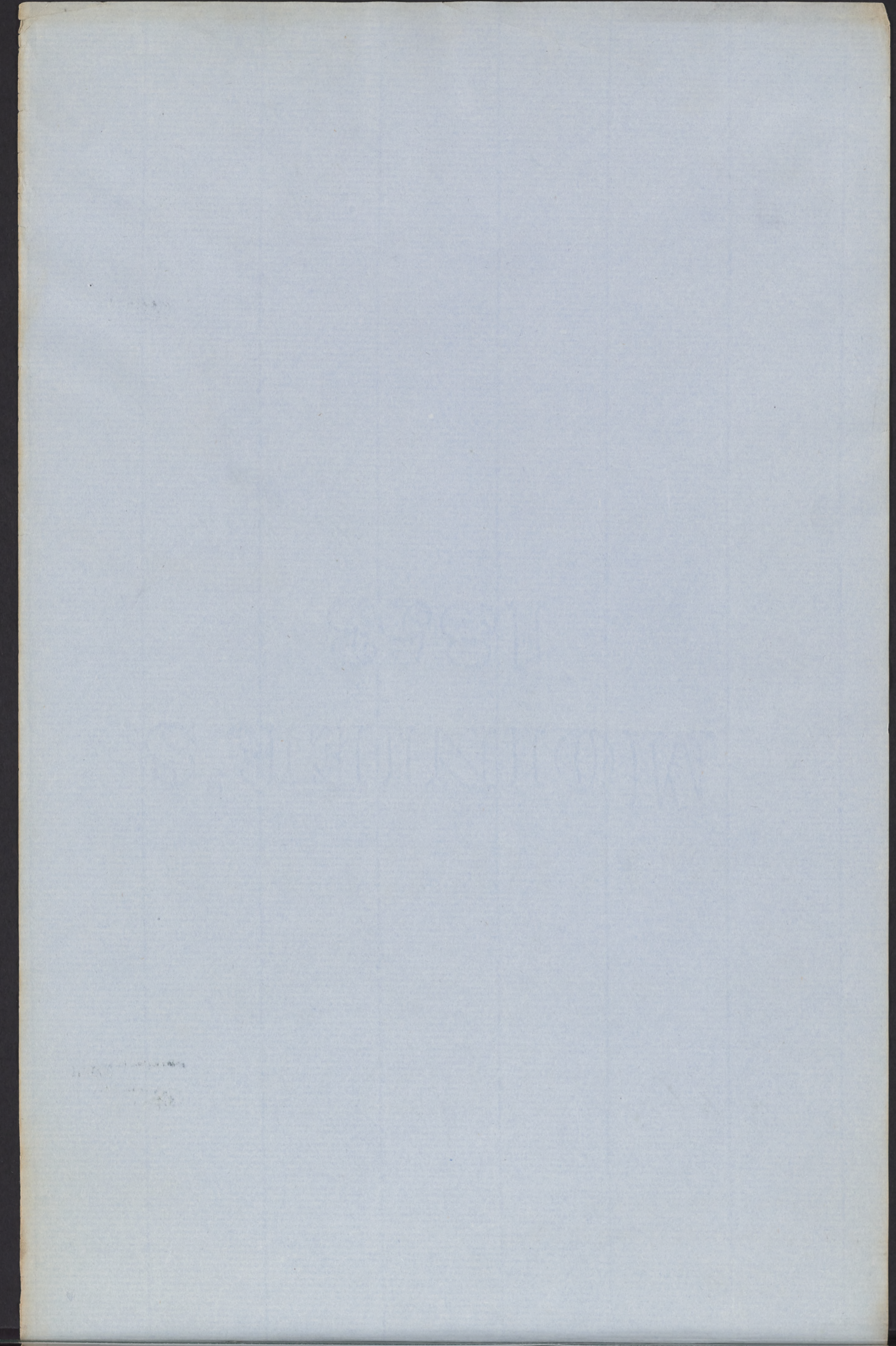
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"El Rincon"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

59 SD
PAGE 2

Be it Remembered, that on this *Sixth day of April*, Anno Domini One Thousand Eight Hundred and Fifty-Two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of *Isidoro Arrellanes* —
for the Place named
"*El Rincon*" —
was presented, and ordered to be filed and docketed with No. *163* and is as follows, to wit;

(Vide page *3* of this Transcript.)

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

Los Angeles September 4th 1852.
In Case no. 163 *Isidoro Arrellanes*, for the Place named "*El Rincon*", the deposition of *Palto de la Guerra*, a witness in behalf of the Claimant, taken before Commissioner *William Hall*, was filed:

(vide page *5* of this Transcript.)

San Francisco Jan 5th 1853
In the same case the deposition of *Antonio de la Guerra*, a witness in behalf of the Claimant, taken before Commissioner *Henry J. Thornton*, was filed:

(vide page *6* of this Transcript.)

2

San Francisco Aug. 26th 1853
Case no. 163 Fernando Anillanes for the place
named "El Rincon", called; submitted entries
and taken under advisement.



59 SD
PAGE 3

San Francisco Nov. 22nd 1853.
In the same case Commissioner H. Simpson
Campbell discussed the opinion of the Board
respecting the claims.
(See page 3rd of this Transcript.)



To the Honorable Commissioners to Settle Private Land Claims in California

Petition

The petitioner Pedro Arrellanes respectfully shows

That on the 30th day of September AD 1833 he applied for the tract of land called El Mucout that on the 8th day of January AD 1834 he received permission from the Governor to occupy & cultivate said land; that on the 6th day of June 1835 he asked for a grant in fee of said land that on the 22nd day of June AD 1835 Jose Figueroa Governor of California by virtue of authority granted to the petitioner the said tract of land called El Mucout situate in the then Mission & now county of Santa Barbara containing one square league a little more or less with the boundaries described in the grant & shown in the corresponding map that said grant was approved in due form by the Deputation on the 25th day of September AD 1835 all of which is fully shown in the Expediente an exact copy of which is submitted herewith marked A with a translation marked 'B'.

That on the 23rd day of June AD 1835 the title in due form was made out in the name of Governor Figueroa for the petitioner, but as that officer died about that time the title papers were signed by his successor, Jose Castro Governor ad interim of California which is fully shown by the original paper a copy of which is submitted herewith marked C with a translation marked D.

That on the 9th day of May AD 1836 the said land was duly surveyed the purchase possession of it given to the petitioner in due form of law a copy of which act of possession is submitted herewith marked E with a translation marked F.

That the said land has not been surveyed by the Surveyor General of the United States but that

4

its boundaries are fully described in the papers
above referred to and are well known
that the petition has been for about twenty years
& now is in the quiet peaceful & undisputed poss-
ession & occupation of the said tract of land

That he knows of no conflicting claim
that he relies for confirmation of title upon the
original papers copies of which are submitted her-
ewith, upon the records & minutes in the Archives
now in the charge of the Surveyor General of the United
States & upon such other & further proofs as he may
be advised are necessary

Wherefore he prays the commissioners to confirm
to him the said tract of land

By his Atty
Haskell Peachy & Bellings

Filed in office April 6th 1852

Geo Fisher Secy

59 SD

PAGE 5

5-

Office of the Board of Land Commissioners for California
Los Angeles Sept 4th 1852

Deposition of
Pablo de la Guerra

On this day before Heland Hall one of the Commissioners for ascertaining & settling Private Land Claims in Cal
ifornia. Came Pablo de la Guerra, a witness produced
in behalf of the claimant Jesuso Arrellano being No
163 on the Commissioners Docket & after being duly
sworn testified as follows

59 SD
PAGE 6

The U.S. Law Agent being duly notified & attended
The evidence of the witness was given in English
In answer to questions by the counsel for the claimant the
witness testified as follows

My name is Pablo de la Guerra my age is thirty two years
& I reside in Santa Barbara, I am a native of California

I am acquainted with the hand writing of Jose Castro
Francisco de Castello Regente Joaquin de la Guerra
Antonio Rodriguez Anastasio Canullo and Fernando
Tico

When I saw the signatures appearing upon two papers now
shown me purporting to be the title judicial possession
to the claimant of the Rancho El Rincon me I have no
doubt their genuine signatures, said papers are here to
be seen & marked No 1 & No 2. I know the Rancho
described in the title papers as early as 1836. The claim
ant then had a house there which was inhabited. A part
of the land was under cultivation he had cattle & horses
there. He or his sons for him have occupied the land ever
since

In answer to questions by the Law Agent the witness says
he cannot tell the 4 tracts to which the land was under
cultivation. The land is within ten leagues of the sea coast

Pablo de la Guerra
Sworn & subscribed Before me

Heland Hall Commissioner
Filed in office Sept 4th 1852
Geo Fisher Guy

6
Deposition of
Antonio de la Guerra

San Francisco Aug 5th 1853
On this day before Court Henry Thornton came Antonio
Mania de la Guerra a witness in behalf of the claimant
Lodero Bull and petition No 63 + was duly sworn his
evidence being interpreted by the Court

59 SD
PAGE 7

The U.S. Associate Law Agent was present

My name is Antonio Mania de la Guerra my age is 27 years
I was born in Santa Barbara and live there now
I know the Rancho called El Union it is very near
the town of Santa Barbara Lodero Bull was first
occupied it in 1835 or 1836 he had a house + sowing
He or his son have occupied it ever since have cattle
+ horses on it at the present time

Antonio de la Guerra

I acknowledge the notice

A. Greenhow U.S. Agent
of the U.S.

Sworn to + subscribed before me this 5th day of Aug
1853

Henry Thornton
Court

Filed in Office Aug 5th 1853

Geo Fisher
Clerk

7

59 SD
PAGE 8

*Espediente
Sobre el paraje nombrado*

*Matilija
Solicitado por Teodoro Arellanes.*

152.

8

Sello tercero Los reales.

Habilitado provisionalmente por la administracion de la Aduana Maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

12.

Figueroa

Rafael Gonzales.

Senor Comandte Gral. y Jefe Sup^{or} Politico c. de Jose Figueroa.

Santa Barbara. Abril

8 de 1831 Teodoro Arellanes Vecino del puerto de Santa Barbara ante V.S. como mejor proceda expongo las leyes de la materia lo siguiente.

59 SD
PAGE 9

informe el Comandte Senor en el superior decreto q. V.S. se servia darmititar de Sta Barbara con fha. 8 de Enero p. p^o a la solicitud que hice si el interesado en esta pretendiendo la propiedad del parage del istancia obtiene los Privilejos que hoy y ocupo en California de prest requiridos preneurado; por un efecto de su notoria bondad ind para su atencion en esta habre la puerta para que solicite otro estio Solicitud. Si el terreno baldio en que sin perjuicio de nadie puede q. pretende esta comp-hacer la concesion de la gracia que suplico rendido en las vaute para el aquel; y para no perder tan benef leguas limitropes o alijica como oportuna season, me presento litorales que espresa de nudo a la Superioridad de V.S. solicitando la ley de 18 de Agosto la propiedad del parage conocido con el de 1821. Si es de regar en nombre de Martilija desde suya rancharia temporal o abrevado hasta la de Lisa que correse de norte a si pertenece a propietario, y distan una de otra cosa de ter a particular, Emporacion Cuatro leguas; y dos de ancho de oriente pueblo, Misión contos a Poniente, cuyo sitio aunque pertenece lo de unas que ser con la misión de San Buenaventura se alta eniente a Murta baldio y fama lo a surpado dicha misión materia, evacuado por no necesitarlo, como lo certifica su actual este informe pasara ministro P. P. de las oratas en el abovemento el expediente al R. J. que debidamente ocupatio a. S. con un legal Ministro de la Misión y no aderesado diseno por no haber en de San Buenaventura este punto quien con la debida propiedad para que se sirva a sepa alijarlo.

13.

11.

poner lo que la ocurra. De esta gracia que me habia en el unido El Sr. D. Jose Figueroa de la magnanimidad de V.S. resulta el beneficio General de obligada de mi numerosa familia, y por esta la poblacion del Ejercito Mexicano y cultivo de un terreno que en el dia es abrevado Comandante general de las fieras sin fruto ni provecho al territorio y Jefe Superior politico como lo ova antes la el Vueso. Cuyo mayor del territorio de la de jare geitos a beneficio de la nacion V.S. alta California asi lo tiene a bien acceder a mi Solicitud a lo que mando, decreto y firmo vivie eternamente reconocido. Santa de que a loy fe. Barbara Abril 7. 1831. (Teodoro Arellanes.)

15.

Comandte Superior

9

José Figueras. Por aus^a del secretario.
Bernardo Navarrete.

Sr. Jefe Político Sup^{te}

El contenido en esta instancia obtiene los requisitos necesarios prevenidos por la ley para ser atendido en su solicitud, el terreno que pretende no esta comprendido en las 20 leguas limitrofes y 20 litorales que expresa la ley de 18 de Agosto de 1825 y en cuanto al por menor de su situacion es conforme al plan que acompaña por Dho. paraje pertenece a la Misión de Buenavista y es de regadío. Es cuanto puede informar a. S. conseqüente a su Supor Decreto fho. 8 del presente. Santa Barbara. Abril. 16. 1834.

Juan M^o y Bara.

Dijo yo Fr. Blas. Ordoñez, ministro de esta Misión del Serapico Doctor San Buenaventura que el sitio que corresponde desde el Rio de la Plancheria de Ojay, y en la lada de Intup se halla vacio, y no lo tiene ocupado esta Misión por falta de bienes y no necesitan de dicho sitio. y para las debidas fines del Interesado lo firmo.

Misión del Serapico Sr. San Buenaventura 2. de Mayo
Fr. Blas. Ordoñez. de 1834.

16.
183
183-1
59 SD
PAGE 10

17.

Done Faltano a ...

Sello Tercero Dos Reales.

Habilitado provisionalmente por la Administracion de la
Aduana Maritima de Montency para los años de mil
ochocientos treinta y cuatro y mil ochocientos treinta y cinco.
Figueroa. Rafael Gonzales.

18

Señor Jefe Superior Político.

59 SD
PAGE 11

En atencion a lo que el interesado espone en su solicitud
origo: que sito el que el solicitante expresa, esta baldio
y la Misión no lo tiene ocupado.

Es quanto tengo que exponer a V. en conformidad a lo
Superior decreto fecha 8 del presente.

S. Buenav. 25 de Abril de 1834.

Jr. Blas Oudal.

Montency. Mayo 11 de 1834.

Señalo perteneciente a la Misión de S. Buenaventura el terreno
pretendido por la parte de Pedro Mellanes en competeo en
con D.ª Josepha Carrilla de Dura, D. Nicolas Gutierrez y
Ernigono Ayala y socio. no estando aun sentenciados
las Misiones y dada al Sr. D. José Maria Hjar por
el Supremo Gobierno la comision especial de atribuciones
eras tenenas, suspendase por ahora el curso de este
expediente haciendolo saber a la parte para los cursos
que le combengan. El Sr. D. José Figueroa, General
de Brigada de la Republica Mexicana, comandante
General, Inspector y Jefe Superior Político del territorio
de la Alta California, así lo mandó, decreto y firmó
de que doy fe.

14

José Figueroa.

Agustin N. Zambrano. Tio.

Sello Tercero Dos Reales.

Habilitado provisionalmente por la Administracion de la
Aduana Maritima de Montency para los años de mil
ochocientos treinta y cuatro y mil ochocientos treinta y cinco.
Figueroa. Rafael Gonzales.

20

1.º clava. Abril 1.º de
1835.

Sr. Com.º Genl.

Excmo. Sr. Mellanes vecino del Sto de Sta. Barbara que desea
agregar a sus anterior en el. con el respeto debido y sumision como mejor haya
antes y de cuenta lugar en otro pluma. V. presente que habiendose pactado
para resolver. y medio de una vist.º el curso proximo pasado en sol.

Figueroa.

solicitud de un Paraje que se halla a las inmediaciones
de la Misión de S. Buenav.º distando como ocho
leguas rumbo a el Norte, nombradas las rancharias
que se hallan vecinas Matifija, Djeay y teptep, y no
habiendo tenido ninguna contestacion sabe Sr. presente en

21

alteracion mi abausado estado y persona familiar, y qualquier
este que se supieren por la parte de unos señores en que

11
veuvre à la bontad de V. S. pa que se digno tomar en consi-
deracion mi avanzada edad y preciosa familia, y que tener
caso con q^e subsisten por la falta de unas tierras en que
poner mis bienes y hacer una siembra pa poderse mant-
ener, admitiendo a V. S. q. el paraje q. solicita no es el
q. el Ciudadano Indigo. Ayala ha solicitado, pues vista
uno de otro como cuatro leguas. Por tanto. A. V. S. reu-
damente pide y suplica se digno decretar esta instancia
en favor del interesado a lo q. recibiere gracia y merced.

Sta. Barbara. 22 de febr. de 1835.

Teodoro Arellanes.

Sello Tercero Dos Reales.

22
Habilitado provisionalmente por la Administracion
de la Aduana Maritima de Montevideo para los años de
mil ochocientos treinta y cuatro y mil ochocientos treinta
y cinco.

Figueroa.

Rafael Gonzales.

Montevideo. Julio. 30 de 1835.

Agreguese en este expediente el promovido por el mismo
Arellanes en solicitud del paraje del Pincon de
la Campesina i de se cuenta pa resolver.

{ Inscripcion de }
{ Sta Barbara }

Año de
1833.

Expediente

Sobre el paraje nombrado el Pincon solicitado
por Teodoro Arellanes.

Señor Comandante Jral.

Sta Barbara. 8

de - 1833.

23.

59 SD
PAGE 13

Teodoro Arellanes Vecino y residente en el
 De conformidad Presidio de Sta Barbara ante la Superior
 con las leyes de la materia de N. S. como mejor balle lugar y el
 enia, conforme el conderecto le prebiene base presente. tiene
 -audante Militar de teniendo una numerosa familia los unel
 Sta Barbara si el continencia de a nueve hijos, y al mismo tiempo
 en esta instancia obtiene un corto numero de bienes que son las
 las requiridos prevenidos, mantiene a su Dicha familia, y no
 para ser atendido hallando un sitio seguro en donde man
 en su solo ciudad tener dichos bienes con seguridad
 si el terreno que puse para su aceresamiento, pite V. S. el par
 -ende este comprendido aje nombrado del Presion pa end
 en las do leguas limit hacer sus labores poner quinientos acres
 -ropes o litorales que y mantiene algunos bienes caballares
 expresa tal y de 1824 que este mandito y de manada base en
 Agosto de 1824 si es el numero de ciento y veinte Cabezas. El
 de regalis temporal sitio referido pertenese a la Compañia de
 o de abrevadero, si este presidio peno hace mucho tiempo
 pertenece a alg unq. en nada se ocupa. por lo espuesto
 particular, comparendo, peneo que entendiendose V. S. bien del
 pueblo, con todo lo adjunto electo que debidamente ocupados
 Demas que a todo se debena aceder el q lo que contiene esta
 oca Conderecto a mi sollicitud dignandose admitir la
 -ustar la materia en papel comun pr no haber en este lugar
 El Sr. Jefe Superior del que se requiere. Por tanto: M. S.
 Politico del territorio Resativamente Suplico se oblige decretar
 an lo mande, abuda esta instancia en mi favor con culla
 y firmit. De que es. En eia quedane para siempre reconocido.
 fee.

24

25

Sta Barbara. Fho. 30 de 1833.

Piquerna.

Teodoro Arellanes.

J. Zamorano.

Señor. Jefe Superior Politico.

Fho.

El contenido en esta instancia
 obtiene los requisitos previstos para ser
 atendido en su sollicitud; el terreno que
 pretende no esta comprendido en las do
 leguas limitaciones y lo litorales que expresa
 la ley de 18 de Agosto de 1824 y en cuanto al por menor
 de su situacion, es conforme al plan que a compañia fue
 Dicho pertenece a la Compañia presidal de este puerto
 segun el mismo Suplicante informo, en tal virtud
 V. S. resolvera lo que fuere de su agrado. que es cuanto
 puedo informar a V. S. Consecunete a su Superior Decreto

26

13

fecha ocho del corriente.

Puerto de Sta Barbara. Of. 21 de 1833.

Juan M. Barro.

Monteney. Nov. 21. de 1833.

Informe el comandante de la Comp^a Guarnida de Santa Barbara, si el terreno que solicita el suplicante siendo destinado para el sitianito a lo caballeria de su Compañia, se le pueda adjudicar sin que haga falta a la nacion en el servicio a que esta conguado. El Sr. Jefe Superior Político del territorio D. José Figueroa asi lo decretó mandado y firmo de que doy fe.

Figueroa.

Agustín V. Fumigano. Int.

59 SD
PAGE 14

23

183-2

Sr. Jefe Superior Político.

El Paraje solicitado por el representante en hasta me parece preciso concederle, en las mismas terminos q. hasta a ora lo tiene prestado por q. tiempo, tambien se lo pueda conceder si el Gob^{no} se parese el q. ponga el numero de ganado y caballeria q. expone, bien entendido q. otras tierras deben partear, del arroyo del Nudo con por la parte de las Lomas, del Oriente hto la cañada q. llaman ese las Lomas; tambien se le pueda permitir el cultivar las tierras inmediatas que hay a dho arroyo q. llaman las Rosas de Castillas por ser muy buenas las que actualmente cultiva, menas tener ganado ni caballeria pues en caso de ponerlo sera perjudicado el paraje de la Carpinteria como hasta a ora lo es, pues algunos de los parajes son pertenecientes al parteadero del sitianito de la Campa por el Gob^{no} pueda agraviar al suplicante en atencion a sus bienes, circunstancias y otras promissuras. Es en tanto puedo informar en cumplimiento al sup^r decreto de V. S. Of. 21. de gho de pyro. Sta Barbara 25 de Dhe de 1833.

Domingo Carrillo.

29

Bene follam a Popo...

Parajes sembrados por las Sumas
 La distancia que ay del numero 6 al 3 sera 3 leguas.
 La distancia que ay del 8. al 7. sera 1. legua.
 El lugar q. ocupa el N. 1. un amaro llamada de las Lepas.
 El lugar q. ocupa el N. 2. es un plan pa Siembra que tiene
 sus pasos de largo y de ancho treinta var.
 El lugar q. ocupa el N. 3. es un plan que de la ocasio de la
 sembrado este plan tendra de largo hoy pasos de ancho y
 de sus pasos.

59 SD
 PAGE 15

El Dique que ocupa el N. 4. es un vertiente de agua que esta
 que banos al plan N. 3.

50

El lugar q. ocupa el N. 5. es una altura para ganado esta
 no tiene agua pero si tiene varias barrancas solo a Suroeste
 ay un arroyo llamado de las Saucos. = El paraje que ocupa
 el N. 6. ay ay de venata la altura, el paraje que ocupa el
 N. 7. ala villa del monte y segun la solalla el lugar
 que ocupa el numero 8. es una barranca ay ay de
 agua. El lugar que ocupa el N. 9. es en la entrada del arroyo al
 mar y esta en la solalla de la barranca el paraje que ocupa
 el N. 10. en ay ay esta formando el rancho, se dice que
 el terreno de abarcar del arroyo alas Saucos el arroyo
 de la boca de largo y de el arroyo de las casitas al
 la solalla de ancho que es de largo 2 leguas y de ancho
 1. legua.

51

Monterey Enero 8 de 1832.

(Seal)

Estando acreditado q. el paraje el Rancho Soladado
 por Teodoro Arrellanes, pertenece al situado de cabal-
 -lota a la Comp^a de Santa Barbara y no estando en mi
 arbitrio de disponer de las terrenos que la Union tiene en
 -cual a su servicio, no ha lugar a la petición del
 estado Arrellanes a quien solo se permite sin perjuicio
 de la Caballota Nacional, a que el terreno que ay
 en el mencionado paraje entendiendose hasta las Rosas
 de Castilla en la rivena del arroyo, y que sus ganados
 puedan pastar sobre el otro arroyo, aia la parte
 de las lomas a Sierra Sta la cañada de las Saucos
 pero esta concesion debe entenderse en calidad de pur-
 -ano merino constigue el terreno que puede abarcar
 por otra parte donde halla algun Valido. Comuniquese
 esta resolucion al Comandante Militar de Sta Barbara
 pa que sabuya saber al interesado por medio de quien
 para que la serie de resguardo. El Sr. Don Jose Figueroa

32

Superior Politico de la Alta California de la Comandancia de...

15

General de Brigada, Comandante General Inspector y Jefe Superior Politico de la alta California así lo mandó decir y firmo de que Soy Sr.

José Figueroa.

Agustin V. Zamora. Sr.

33

Sumo. Sr.

La comision de terrenos baldios impuesta del expediente que se mandó practicar por solicitud del Ciudadano Leonardo Mellano y que hase del paraje nombrado el Rincon no encontrando en el expediente alguna que aser creculo en todo conforme a la ley de 18 de Agosto de 1824 como al artº 5º del reglamento de 21 de Marzo de 1824 objese alas deliberaciones de V. S. la siguiente proposicion.

Se apueha su concesion hecha al Ciudadano Leonardo Mellano del paraje nombrado el Rincon conestido en 23 de junio de 1835; supliendose a las condiciones q. se le impusieron para permanecer en caso de q. haya una de claracion a las egidas del pueblo de Sta Barbara.

Monte 22 de Mayo de 1835.

Julian Pacheco.

34

Monterey. Sepº 25. de 1835.

Infesion de este dia se aprobo parte su suma. Deput.º la proposicion del dictamen antecedente.

Castro. Prente

Juan Ob. Morado.

D. S.

Sello Tercero Dos reales.

Habilitado provisionalmente por la administracion de la Intendencia Maritima de Monterey de la alta California para los años de mil ochocientos treinta y cuatro mil ochocientos treinta y cinco.

Figueroa.

A. Navarro.

L. Jefe Supº Politico.

Leonardo Mellano vecino de Sta Barbara de este territorio ante la justificacion de V. S. hace presente. que en virtud de un contrato de 30 de Setiembre de 1833 obtuvo la propiedad del paraje nombrado el Rincon, y como hallandose alguno tiempo, y en virtud de pasar dicho terreno quieto y pacificamente y sin perjuicio de tercero, ocurrió a la notaria pública de V. S. se digna adjudicar a mi favor la propiedad del referido terreno, con motivo de tener en el algun numero de ganado vacuno y caballas y phicula casa de abitacion en que vive una creuda familia que tengo; con tal motivo. A V. S. mediante

35

59 SD
PAGE 16

11

36

ruego y suplico se V. digno expedir a mi favor el Titulo
de expresado paraje, gracia y merced que espero
recibir. Santa Barbara Junio 6. de 1835.

Leodoro Arellano.

Monterrey. Junio 23 de 1835.

59 SD

PAGE 17

Vista la peticion con que en principio este expediente elijo
- rre al Ayuntamiento de Sta Barbara el del Comandante
de la Compañia penitencial del mismo punto; la ultima
expansion del interesado con todo lo demas que se tubo
presente y ver combino de conformidad con las leyes
y reglamentos de la materia se Declara a D. Pedro Diego
Lacort en propiedad del terreno conocido con el nombre
de Primeros sujetos a las condiciones que se estipularan lib
- rese el Despacho correspondiente, tomere rason en el libro
respectivo y dirigare este expediente por la debida
aprobacion a la S. S. de Penitencial. El tenor. Don
Jose Figueras General de Brigada, Comandante de
e Inspector y Jefe Politico de la Alta California asi
lo mandó, dicto y firmo de que doy fe.

Jose Figueras.

D. de del Sr. Negrete.

Monterrey Sep^{bre} 21 de 1835

En orden de este dia se manda pasar a la comision
de terrenos baldios. Castro.

queada tomada rason. a p. 40.

Office of the Surveyor General of the United States
for California.

I Samuel D. King, Surveyor G^l
of the United States for the State of California
and as such now having in my office and under
my charge and control a portion of the archives
of the former Spanish and Mexican Territory
in Department of Upper California, do hereby
certify that the twenty preceding and hereunto
annexed pages of tracing paper, numbered from
One to twenty inclusive, and each of which
is verified by my initials (S. D. K.) exhibit true and
accurate copies of certain documents on file and
forming part of the said archives in this Office.

In testimony, whereof I have hereunto
subscribed my name officially and affixed my
private Seal (not having a Seal of office)

fourth day of February A. D. 1854
Sam. D. King

97.

98

private Seal / not bearing a seal of office
at the City of San Francisco. Pub. this twenty
fourth day of February. A. D. 1852.

17

Sam. D. King.
Surveyor Genl. Calif.

Filed in Office April 6th 1852.

Geo. Fisher.
Secretary.

39.

59 SD
PAGE 18

1871

John Cunningham Powell

Senior Commanding General

Translation of Santa Barbara October
Espediente 8th 1833.

59 SD
PAGE 19

Leodow Brillanus resident and settled in the presidio of Santa Barbara before the Superiority of the let the Military your Honor as he best may and Commandant of Santa Barbara's law directs representation make Barbara report whether that having a numerous family (the person) referred to which contains more than nine in this petition, says children at the same time a case the presents small number of cattle (being) qualifications for with which he maintains his his petition to be as said family & not finding a safe tended to whether the place where he can keep said land which he put cattle with security for their incursions for is included in the he prays of your Honor in the 20 leagues the place named San Juan for the from the bound purpose of lowering out placing any or ten from the five hundred head of cattle & sea mentioned in keeping some horses on it the case of Aug 18 which between times & wild make 1824 whether it is up the number of one hundred & or capable depending twenty head, the place referred on the seasons or to belongs to the company of this province land where the presidio but for a long time it has or it belongs to the not been occupied for any private ownership of any person. For the foregoing reasons private individual he hopes that your Honor after an corporation or public understanding will the case which with all objections he submits herewith will which he may think decide to that which is contained conducive to & placed in this his petition knowing the matter the good use to admit it on even His Honor the non paper there being none of Superior Political the required Stamp with this place Chief of the Tunito. Wherefore he earnestly prays -ny thus ordered de your Honor to have the process -ed & signed to to decide this in his favor for which

which I certify gift he will remain forever great
 (Signed) Figueroa - the
 (Signed) Agustín Zamora and Santa Barbara September 30th 1833
 Secretary Signed Isodoro Mellanes

59 SD
 PAGE 20

Senior Superior Political Chief

The person referred to in this petition possesses the prescribed qualifications to have his petition attended to the land which he requests is not included in the 20 leagues from the boundary (with any foreign nation) or ten from the sea shore expressed in the Law of Aug. 18 1824 & in all that refers to the detail of its situation it is conformable to the accompanying map - but said place belongs to the company of the Presidio of this point as mentioned by the petitioner, such being the case your Honor will determine that which is your pleasure. This is all that I can inform Your Honor concerning Your Superior decree dated the 8th instant

Port of Santa Barbara Oct 21. 1833
 (Signed) Juan Ben Harra

Mountain Nov 21. 1833

Let the Commanding officer of the company of the Presidio of Santa Barbara report whether the land which the petitioner requests being set apart for the use of the horses of said company can be granted without being wanted by the Nation for the purpose for which it is designated His Honor the Superior Political Chief of the United by Don José Figueroa thus decreed ordered & signed to which I certify

(Signed) Figueroa
 Signed Agustín N. Zamora and
 Secretary

Senior Superior Political Chief

The place solicited by the person representing in this petition it seems to me may be granted to him

in the same terms in which up to this time it has been
 lent to him for the purpose of planting, it may also
 be conceded to him if the Government should think
 proper to place there the number of cattle & horses
 which he mentions. It being well understood that
 said stock should pasture from the Arroyo de
 Rincon on the side next the hills on the east to
 the Canada called that of Los Laureles he may like
 wise be permitted to cultivate the lands which are
 near said Arroyo which is called Las Rosas de Castilla
 those which he actually cultivates being very small
 but not to put cattle or horses there for in case
 he should do so the place of La Carpintera would
 be injured as up to this time it is for both belong to
 the pasture lands of the company but the Govern-
 ment can favor the petitioner in consideration of
 his good conduct & honorable character. This is all
 that I can report in compliance with the Super-
 ior decree of your Honor dated Nov 21st 1833

Santa Barbara December 25th 1833

(Signed) Domingo Carrillo

Montevideo January 8th 1834

It having been shown that the place of El Rincon
 petitioned for by Pedro Arrellanes belongs to the
 place occupied by (situated) the horses of the Com-
 pany of Santa Barbara it not being in my power
 to dispose of the lands which the nation has in use
 the petition of Arrellanes, if examined cannot be admitted
 it being permitted to him only to cultivate without
 prejudice to the Government horses, the land which
 he can in the said place it being understood to
 be to the Rosas de Castilla on the bank of the Arroyo
 towards the hills of Guira as far as the Canada
 de los Laureles but this concession should be un-
 derstood to be as a loan rather he may find another
 land in another place where there may be such
 vacant for which to petition. Let this decision
 be communicated to the Military Commandant
 of Santa Barbara that he may make it known to the

(Sent for the
 years
 1832 & 1833)

person interested through an official communication, that it may serve him for a security
Tenor Don Jose Figueroa General of Brigade commanding General Inspector & Superior Political Chief of Upper California thus ordered demand & signed to which I certify

59 SD
PAGE 22

(Signed) Jose Figueroa
(Signed) Agustin N. Zamorano
Secretary

Places named by the Perumbas

The distance from number 9 to No 3 is about two leagues the distance from No 8 to No 7 is about one league the place occupied by No 1 is a table land called Los Tepales, the place occupied by No 2 is a plain for planting 500 paces long one hundred wide the place occupied by No 3 is a flat which at this time is planted, this flat is about 200 paces long one hundred wide, the place No 4 is a face (spring) (content) of water the same which waters the flat No 3 the place where No 5 is is a high ground for cattle, this has no water but many gullies except that on the further side of it is the Arroyo de los Sauces the place occupied by No 6 is where the high land ends the place of No 7 is the edge of the thickets (mountain) & joins with the beach, the place of No 8 is a gully with running water No 3 (9) is the entrance of the arroyo into the Sea & this entrance is called "La Breca" No 10 is in the place where the rancho is formed. It is said that the rancho ought to include from the arroyo de los Sauces to the arroyo de la Breca in length from the Arroyo de las Casitas to the beach at its breadth that is two leagues in length & one in breadth

Stamp Three Two Reales

Provisionally authorized by the Administration
of the Maritime Custom House of Monterey of
Upper California for the years one thousand eight
hundred thirty four one thousand and eight
hundred thirty five

(Signed) Figueroa

(Signed) A Ramirez

59 SD
PAGE 23

Monterey To His Honor the Superior Political Chief
July 20, 1835

Let it be known that I, Pedro Arrellanes resident of Santa
Barbara of this Territory, before the justice
proceeding in your Honor representation makes
document that in a petition of Sept 30 1833, he solicited
present them to the ownership of the place named El
Cerro that I may know at some time has passed &
decide in virtue of possessing said place quietly
(Signed) peacefully & without prejudice to any
other person he applies to the well known
own goodness of Your Honor that
you would be pleased to grant in his
favor the ownership of the said land
for the reason that he has in it a
number of neat cattle & horses and
has built a dwelling house in which
his large family lives. Therefore he
earnestly prays be seated Your Honor
have the goodness to issue in his favor the title
of said land a favor & gift which he hopes to
receive.

Santa Barbara June 6th 1835

(Signed) Pedro Arrellanes

Monterey June 22^d 1835

Having seen the petition with which this exped-
ient commenced the report of the Ayuntamiento
of Santa Barbara that of the commanding officer
of company of the Presidio of the same place the loss
representation of the person interested together with
other information which was presented & deemed

59 SD
PAGE 245

proper to be seen in conformity with the laws and regulations on the matter. Pedro Arrellanes is declared owner in fee of the land known by the name of El Rincon subject to the conditions which may be stipulated. Let the corresponding title be issued. Let note be made in the proper book. And thus expedite for the due approval of the Most Excellent Territorial Deputation, Don Jose Figueroa General of Brigade Commanding General & Inspector and Superior Political Chief of Upper California in this order decreed & signed to which I certify
(Signed) Don Jose Figueroa
(Signed) Francisco de los Rios Regente
Secretary

Note has been made folio 70
fee \$10.00

Montezy Sept 21 1835

In session of this day this was ordered to be referred to the committee on vacant lands

(Signed) Castro

Most Excellent Sir

The committee on vacant lands having examined the expediente which was ordered to be formed on the request between Pedro Arrellanes made for the place named El Rincon not finding any objection to make it being in conformity with the law of August 18. 1824 as well as art. 5 of the regulation of Nov 21. 1828 offers for the decision of your Excellency the following proposition: They approve the grant made to citizen Pedro Arrellanes of the place named El Rincon granted on the 22^d of June 1835 subject to the conditions which may be imposed in case a declaration may be made that it belongs to the common lands of the town of Santa Barbara

Montezy Sept 22nd 1835

Montezy Sept 25 1835

(Signed) Galvan Pacheco

In session of this day the Most Excellent Deputation approved the proposition of the foregoing report

(Signed) Juan Balvanado Dep Secretary (Signed) Castro President
Folio in' of folio April 6th 1832 San Francisco by Gen R.P.

24

Ello Segundo Dole Reales.

Habilitado provisionalmente por la Administracion de la Armada Mexicana de Monterey de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa.

A. Ramirez.

Nº 1.
Anexo al Dep. of
Pablo de la Guerra (Seal)

José Figueroa General de Brigada Comandante General e Inspector y Jefe Superior Político de la Alta Califor^{ta}

59 SD
PAGE 25

Por cuanto Revdoro Arriano, Mexicano p^r nacimiento ha pretendido por su beneficio personal y el de su familia el terreno conocido con el nombre de Rincon, cuyos linderos se expresan en el dictamen que corre en el expediente y son desde el arroyo de las Saucos al arroyo de la Orden y desde el arroyo de las Laritas a la playa su total longitud son de las leguas y su latitud una: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas he revocado en obsequio de este Oñia a nombre de la nacion Mexicana en concederle al expresado Revdoro Arriano el terreno mencionado, declarandole la propiedad de el por las presentes letras, en virtud de Dha. Concesion en entera conformidad a lo dispuesto por leyes y reglamentos a reserva de la aprobacion de Desaprobacion de la Junta Diputacion Territorial; y al Supremo Gob^{no} y bajo las condiciones siguientes.

1.^a Que se sometera a las q. establecidas en el reglamento que se ha de formar para la distribucion de terrenos baldios y que entre tanto ni el agraviado ni sus herederos podran dividir ni enajenar el que se adjudica, imponer Sena, ni embargo, fianza, hipoteca ni otro gravamen alguno sea por causa piasosa ni pasando a personas muertas.

2.^a Que cada un de ellos sin perjudicar las traversias Caminos y Servicios: lo disfrutara libre y exclusivamente disfrutando lo al uso o cultivo que mas le acomode por dentro de un año a lo mas fabricara casa y estara habitada.

3.^a Que el terreno de que se hace mencion es por su jurisdiccion en virtud de este despacho por el cual se demarcaran las linderos en cuyos limites podra o mas de las mencionadas algunas arboles frutales o Setos de alguna utilidad.

4.^a El terreno de que se hace mencion es por su mas o menos de un sitio de un punto mayor segun esplica el dictamen que corre en el expediente

650

El Juez que atiene la posesion lo haná medir conforme a
ordenanza p^a señalar las linderos, quedando el sobrante
q^e resulte a la uncion p^a los usos convenientes.

3^o Si contraxiere a estas condiciones pierden el
derecho al terreno i sera denunciado por otro.

En consecuencia insinulo que teniendose por
el título el presente i desistiendo p^a firme y valido de todo
razon de el en el libro q^e corresponde i se entregue al
intercedido p^a su resguardo y demas fines. Dado en
Montevideo a veinte y tres de Junio de mil ochocientos treinta
y cinco.

Por enfermedad del Sr. Figueroa antes referido este
título p^a la firma aboral se el otro q^e esta firmado, en su
lugar muerto Sr. Sr. lo prongo p^a diligencia p^a q^e parte
firmandolo con el Sr. Don José Castro, primer vocal
de la S. Deputacion i Jefe Político anterior al territorio.
Montevideo a 1^o de June. de 1835. de lo que doy fe.

José Castro.

Srio. H^o Del Castillo Negrete.

Queda traxado razon en el libro respectivo a fojas Setenta
y señalado con el numero Setenta y ocho cuyo libro
obra en esta Secretaria de mi cargo. Montevideo.

Junio. 24 de 1835.

Dian. 10 pl.

Castillo.

Filed in Office. Sept. 1th 1852.

Geo. Fisher.

Secretary.

26

Translation of
Title

Stamp Second Twelve reales

Provisionally authorized by the Administration
of the Maritime Customs House of Monterey in Upper
California for the years one thousand eight hun-
-dred & thirty four and one thousand eight hun-
-dred eight hundred and thirty five

(Signed) Figueroa (Signed) A. Navarro

59 SD

PAGE 27

Don Figueroa Brigadier General Commandant
Inspector & Governor of Upper California

Civil
Government
of Upper
California

Whereas Don Donnellanes by birth a Mex-
-ican has for his own personal benefit
- & that of his family petitioned for the land
known by the name of Union — the bound-
-aries of which are shown on the map which
goes with the expediente and from the Arroyo de los
- Puentes to the Arroyo de la Neca & from the arroyo
de las Caletas to the beach its entire length is
two leagues & its breadth one the necessity and
- necessity of examinations having previously been
made as required by laws & regulations using
the faculties which are conferred on me I have
in virtue of this day & in the name of the Mexican
- Nation granted to the aforesaid Don Donnellanes the
above mentioned land declaring to him the own-
-ship of it by these presents said grant being un-
-derstood to be in entire conformity with the laws
subject to the approval or disapproval of the most
- Excellent Territorial Deputation of the Impe-
- rial Government & under the following condi-
- tions viz

1st He shall submit to these (conditions) that
- may be established in the Regulation which is to be
made for the distribution of vacant land & in the
- meantime neither the grantee nor his heirs can divide
or alienate that which is granted him subject it to any
- tax entail pledge mortgage or other incumbrance
- even for religious purposes or convey it in mort-

- mium

59 SD
PAGE 28

2 He may enclose it without prejudice to the cross roads roads & servitudes & enjoy it fully & exclusively making such use & cultivation of it as he may see fit but within one year he shall build a house on it & inhabit it

3 He shall ask the proper magistrates to give him judicial possession in virtue of this order by which the boundaries shall be marked out in which he shall place besides the land bounds some fruit or forest trees of a useful character

4 The land here mentioned is a little more than one sitio de ganada mayor (one square league for grazing large cattle) as shown by the map which goes with the other expedients. The magistrates who may give the possession will cause it to be measured conformably with the ordinance & mark out the boundaries leaving the surplus to the Nation for its convenient use

5 If he shall contravene these conditions he shall lose his right to the land & it may be denounced by another person. In consequence I must bear seeing him for a little these presents & being held as pinn & void note be taken of it in the corresponding book & it be delivered to the person interested for his security & other purposes

See 204

Given at Montevideo the twenty third of June one thousand eight hundred & thirty five By the sickness of Señor Figueroa this title was dictated for the signature since the day that it is dated but the said Señor having died, I make it an official document signing it in testimony with Don José Leartio Senior vocal of the Most Excellent Deputation & Governor administrator of the Territory Montevideo October 12th 1835 to which I certify (signed) Francisco de Castillo Regente (signed) José Leartio

30

See 104

note has been taken in the proper book on page twenty and marked with the number twenty eight which book exists in this Secretarings office under my care Montevideo June 24. 1835 Filed in office April 6th 1852 See Index by (sgd) Castillo

~~163~~ 39 folios
 5 - = \$ 4.00
 44 folios = 1.92

59 SD
 PAGE 29

Título y Posesion del rancho del Pincon.

Don N.º 2. El ciudadano Teodoro Arellanes establecido y vecino en
 anexa a Dip. de esta poblacion ante V. hace presente q. deseando obtener
 Pablo de la Guerra la proteccion Juridica del paraje nombrado y conocido
 por el Rincon q. tenga hace mas de diez y siete años
 presenta V. Se Sirva darsela con arreglo al título y Demas
 documentos q. presentará pertenecientes al referido ran-
 cho y sus pertenencias. P. A. A. V. Justicia se Sirva
 acceder a su solicitud, admitiendola en este papel
 comun por no haberlo del Sellado correspondiente
 en este destino y firmarla por su hijo Don Antonio
 por no saber el escrito.

Santa Barbara. Mayo 7. de 1850.

Antonio Arellanes.

Santa Barbara. Mayo 7. de 1850.

Como lo pido el interesado pasese por mi el día mié-
 del corriente mes al teniente del Rincon y alente la
 proteccion Juridica de el a D. Teodoro Arellanes. libren
 boletas de Comparando a los Col. Ciudadanos de dichos
 terrenos a fin de que presenten la proteccion q. se otorga
 por mi el referido día.

Don Joaquin de la Guerra, Juez de 1.^a instancia
 Alcalde de Santa Barbara actuando por receptoria
 con los testigos de su asistencia. Asi lo mandé proveer
 y así firmé.

Yo J. de la Guerra. am.
 aso. Anast.^o Carillo. Antonio Rodriguez.

En cumplimiento del auto que antecede se libraron por
 mi el Juez, Boletas de Comparando a los Coludantes
 Ciudadanos Cosme Vauegas, Erasmo Agala y a
 Fernando Gil como apoderada de la ciudad de
 Ramon Rodriguez. y p.^o que conste por diligencia
 lo firmé con los testigos de mi asistencia.

Yo J. de la Guerra. am. Anast.^o Carillo.
 aso. Antonio Rodriguez.

En el paraje del Rincon a los nueve días del mes
 de Mayo de mil ochocientos cincuenta, siendo
 como nueve horas de la mañana, yo Joaquin
 de la Guerra, Alcalde y Juez de 1.^a Instancia del
 distrito de Santa Barbara acompañado con los
 testigos de mi asistencia, con quienes actué por falta
 de escribano publico, en cumplimiento del auto

testigos de sus ausencias, con quienes...

59 SD
PAGE 31

4.

5.

6.

7.

del y del presente mes y año fué comparecido D. Teodoro Arellanes, quien manifestó el título de concesión de Dho. rancho, expedido por el Señor General y Jefe Superior Político de la alta California D. José Figueroa en veinte tres de Junio de mil ochocientos treinta y cinco y firmado por el Señor Secretario D. Juan del Castillo Negro y el Señor D. José Castro como Jefe Político interino del Territorio en 1º de Ocho de 1835, a favor del expresado Sr. Arellanes, y estando presentes los C.C. Cosme Venegas Eusebio Agala que fueron citados como coludantes expresaron que no siendo y que equivocadamente fueron llamados no presentaban escusa ninguna para la posesion que se daba del parage citado del Rincon D. Teodoro Arellanes entró en el y pasó por sus tierras arrancó yerbas, esparró puñales de tierra, rompió ramos de árboles e hizo otras ceremonias en señal de la verdadera real, Corporal y actual posesion que de Dho. rancho del Rincon tomaba en virtud de ser posesor, lo cual se fué dando quieto y pacíficamente sin contradiccions de persona alguna, en la que yo el Juez aliji le amparaba y amparé para ser jamas despojado. Y habiéndose en seguida procedido al señalamiento de linderos quedaron fijados conforme al diseño que corre en el expediente segun lo demuestra el expresado título y son desde el arroyo de la brea hasta la Cañada de los Sauces, de la Playa hasta el arroyo de las Casitas; y cuya medida como lo prescribe el artículo 1º del Dho. título fue hecha de la manera siguiente. Se tomó un cordel de setenta varas y fueron nombrado dos medidores y a presencia del Juez y los testigos de su autenticidad concurren la primer medida tanto Comino real desde en frente del arroyo de la brea, hasta rematar la desembocadura de la Cañada de los Sauces, conteniendo esta medida siete y setenta y dos cordeles de setenta varas que comparan la cantidad de seiscientos cuarenta varas Castellanas. Inmediatamente procedió la segunda medida que se comenzó desde el nacimiento del arroyito de la brea hasta rematar a un arbusto blanco que está a las mangeras de la Oveja y en frente de Dho. arroyo, cuya medida contiene cuarenta y dos y medio cordeles que hacen la cantidad de ochocientos setenta y cinco varas Castellanas. De Dho. punto se tiró una línea recta hacia la parte del Cañada de los Sauces y rematará

en frente de la desembocadura de la misma vino a dar a su nacimiento en donde se encuentran tres grandes encinos y en cuyo lugar se mandó poner un gran madero formando un cruce y habiéndose así determinado quedó concluida la medición, no resultando obstante al parecer ninguno en favor de la uación como se previene en el expresado título.

Y para la conservación y futura memoria de esta posesión Judicial, la firmé yo el Juez con los testigos a mi asistencia y haciéndolo p. D. Teodoro Arellanes por no saber escribir, su hijo D. Antonio Maypeí.

Ante mí. J. J. de la Guerra.

Asa. Anast. Cavillo. Ano. Sanito. Guayana.

En el puerto de Santa Barbara a los trece días del mes de Mayo de mil ochocientos cincuenta y o el Juez de estas autos, hice comparecer ante mí y los de mi asistencia a D. Fernando Pico citado como consta en la diligencia respectiva de Sete del corriente mes para que como en cargo del rancho de los Pitos de la pertenencia de las herencias del finado Ramon Prudhiquez que colinda con el Rincon, compareciera a presentarse la posesión del terreno del rancho dicho del Rincon, y habiéndole manifestado lo hecho ahora a tenor, el título que corre en este expediente y dándole si se conformaba con la posesión de la al Señor D. Teodoro Arellanes, y si tenía por justos los linderos del Rincon demarcados en el expresado título dijo: que estaba conforme con la posesión dada al Señor Arellanes y que reconocía que los linderos del rancho del Rincon demarcados en el título que se le ha manifestado son justos y exactos por lo que respecta al rancho de los Pitos y para constancia lo firmé con mí y los testigos de mi asistencia. Maypeí. Fernando Pico. ante mí. J. J. de la Guerra. Asa. Anast. Cavillo. Antonio Prudhiquez.

Santa Barbara. Mayo 13 de 1850.

Entreguese original el presente expediente a la parte de D. Teodoro Arellanes para su resguardo en este papel común por no haberlo del sellado correspondiente en este destino. J. J. de la Guerra.

Filed in Office Sept. 20. 1852. Geo. Fisher. Secy.

Translation of Survey
and Possession

59 SD
PAGE 33

In the Alcalde & Judge of First Instance of
Santa Barbara

The citizen Teodoro Arilla resident of this town
represents before you Honor that desiring to obtain
judicial possession of the place called and
known by the name of El Rincón which he has
occupied for more than nineteen years you
will be as good as to give it to him in accordance with
the titles & other documents which he will present
pertaining to the said ranch & its appurtenances
Wherefore he prays your Honor to grant his petition
receiving this on common paper there being
none of the proper stamp signed by his son
Antonio as he himself not knowing how to write
Santa Barbara May 7th 1850

(Signed) Antonio Arilla
Santa Barbara May 7th 1850

In accordance with the request of the petitioner
I will go on the 19th inst. out to the land of El
Rincón & give the judicial possession of it
to Don Teodoro Arilla & the written summons
will issue to the colindantes of said land that
they may be present at the possession which will
be given on said day

Don Joaquin de la Guerra Judge of First Instan-
ce & Alcalde of Santa Barbara acting by virtue
of his office with the assisting witnesses. Thus he
ordered decreed & signed

Assisting Witnesses (Signed) Joaquin de la Guerra
(1st) Anastasio Canales

(2nd) Antonio Rodriguez

In compliance with the foregoing decree written
summons were sent by me the Judge to the colind-
antes citizens Lorenzo Gomez as Crisogono Rojas
to Ferrnando Lira as attorney in fact of the widow
of Ramon Rodriguez & in testimony of which I signed it
with my assisting witnesses

Assisting Witnesses (Signed) Joaquin de la Guerra
(1st) Anastasio Canales

(2nd) Antonio Rodriguez

59 SD
PAGE 34

In the place of El Rincon on the ninth of may one thousand eight hundred & fifty it being about nine o'clock in the morning I Don Juan de la Encina Alcazar & Judge of First Instance of the district of Santa Barbara accompanied by my assisting witnesses with whom I am for want of a Notary Public in compliance with the decree of the seventh of the present month & year there appeared Don Teodoro Mellanes who exhibited the title of grant of land ranchos given by the General & Governor of Upper California Don Jose Figueroa on the last day third of June one thousand eight hundred and thirty five & signed by the Lieutenant Don Francisco de Castells & signed by Don Jose Castro as Governor at interim of the Territory on the first of October 1835 in favor of the said Mellanes & there being citizens Cosme Sanchez & Gaspar Ayala who had been summoned as colindantes but who declared they were not & had been summoned through mistake they presented no opposition to proceeding with the possession which was given of the said place of El Rincon Don Teodoro Mellanes entered upon & walked over its lands pulled up grass & scattered handfuls of earth broke branches of trees & performed other ceremonies of real corporeal & actual possession which of said Ranchos of El Rincon he took in virtue of his ownership which was given quietly & peacefully without opposition of any person in which I the Judge said I protect & will protect him so that he may never be ejected And knowing in continuation proceeded to the marking of the boundaries they were fixed conformably to the map which goes with the expediente as shown by the said title & one from the Arroyo de la Brea to the Cañada de los Sauces from the beach to the arroyo de las Costas & of which the survey as directed in the fourth article of said title was made in the following manner a rope was taken seventy varas long & two surveyors were appointed in presence of the Judge & his assisting witnesses they began the first mensurament along the main road from opposite the Arroyo de la Brea to the

22

34

V

59 SD
PAGE 35

mouth of the cañada de los Lances this line containing one hundred & seventy two cordels of seventy varas each or twelve thousand & forty Spanish varas. They then immediately proceeded to measure the second line which commenced at the source of the Arroyo de la Hiena to a white Creston which is on the margin of the Surin & in front of said Arroyo which line was forty two & a half cordels which is equal to two thousand nine hundred & seventy five Spanish varas. From said Creston a right line was drawn in the direction of the Cañada de los Lances & terminating opposite the mouth of the same at its source where stand three great oaks & in which place a large wooden cross was ordered to be erected & having thus finished the Survey was concluded there resulting no surplus to the nation as provided for in the said title.

And for the preservation & future testimony of this judicial possession, the Judge signed it with the assisting witnesses as Don Teodoro Wellanes did not know how to write his son Antonio signed for him & certify

(Signed) Antonio Wellanes
Before me (11) Joaquin de la Sierra
Assisting Witnesses
(Signed) Manuel Carrillo
(11) Casanto Guzman

In the Port of Santa Barbara this thirteenth day of May one thousand eight hundred & fifty, the Judge of these official proceedings made to appear before me & my assisting witnesses Don Juan and Don Yico cited as appears in the respective order of the 7th of the present month in order that as the person in charge of the Rancho of Los Pinos belonging to the heirs of the late Ramon Rodriguez which lies adjacent to the land of El Rincon he might be present at the possession of the said Rancho of El Rincon & having shown to him what to that time had been done, the title which goes with this Expediente & interrogated him if he agreed to the possession given to Don Teodoro Wellanes

59 SD
PAGE 36

+ if he considered as just the boundaries of El Rincon
marked in said title. He said that he agreed to the poss-
-ession given to Senior Mellanes + that he acknow-
-ledged the boundaries of the place of El Rincon
marked out in the title which was shown to him
to be just + exact. So far as the ranch of Los Altos
was concerned + in testimony he signed it with
me + my assisting witnesses I certify

(Signed) Ferdinand Jico
Assisting witnesses,
(Signed) Anastasio Canullo
(Signed) Antonio Rodriguez

Santa Barbara May 13th 1852 Let this orig-
-inal expediente be delivered to Don Godwin
Mellanes for his security on this common
paper there being none of the proper stamp
in this place

(Signed) Lorenzo de la Laguna

Filed in office April 6th 1852
Geo Huber Esq

17763

Don Juan Arillaus

vs
The United States

El Rincon

Opinion

59 SD

PAGE 37

The papers on file in this case show that on the 23rd day of June AD 1835 a formal grant for the land known by the name of Rincon was prepared but before it was signed Governor Figueroa the acting Governor of California died after which on the 1st day of October AD 1835 it was made official by Don Castro who succeeded Figueroa as Governor ad interim. The petition contains the allegation that said grant was duly approved by the Departmental Assembly on the 25th day of September AD 1835. The claimant has also placed on file papers showing that judicial possession & measurement of the premises was made on the 13th of May AD 1838. The foregoing papers & documents are all properly proved & authenticated. It is proved by depositions on file that the claimant occupied the place in 1835 or 1836, that he had a house on it & sown crops & that he & his son have occupied it ever since that time & that they have cutted & hoised on it at the present time. The main question in this case is the identity of the land granted, the conditions attached to the grant require the grantee to have the land measured by the proper Magistrate leaving the surplus to the nation. The quantity granted is a little more than one square league & is described in the grant as follows. At the place known by the name of Rincon the town daries of which are shown on the map which goes with the expediente & one from the Arroyo de las Juncas to the Arroyo de la Beata & from the Arroyo de las Casetas to the beach its entire length is two leagues & its breadth one. This is the only description of the land given in the grant. The judicial possession referred to was made in 1830 long after the country had been ceded to the United States & at the party courts do not act at that time which would be binding on the Government of Mexico to complete her title is not an open question & as the United States

succeeded to the obligations of the former Government it follows that all acts done after the jurisdiction of the country had been transferred could create no rights & could impose no obligations. The measurement of 1850 can be considered in no other light than as a mere private survey authorized by law & of no binding force or effect whatever. The description in the grant is general & indefinite & is in no way aided by the map to which reference is made. The map does not represent a single one of the natural objects mentioned in the grant & affords no information by means of which the land granted could be located or its boundaries defined. It is unnecessary to investigate the other questions which are presented in the case as we consider the boundaries so entirely uncertain & indefinite that it is impossible to identify the tract granted. We are therefore of opinion that the claim should be rejected.

Filed in office Nov 22. 1853

Geo Fisher Secy

Deuce

Tedoro Arrellanes }
vs }
The United States }

In this case on hearing the proofs & allegations it is adjudged by the Commission that the said claim of the petitioner is not valid & his application for a confirmation thereof is therefore denied.

Alpheus Felch
Thompson Campbell
R. Aug. Thompson
Commissioners

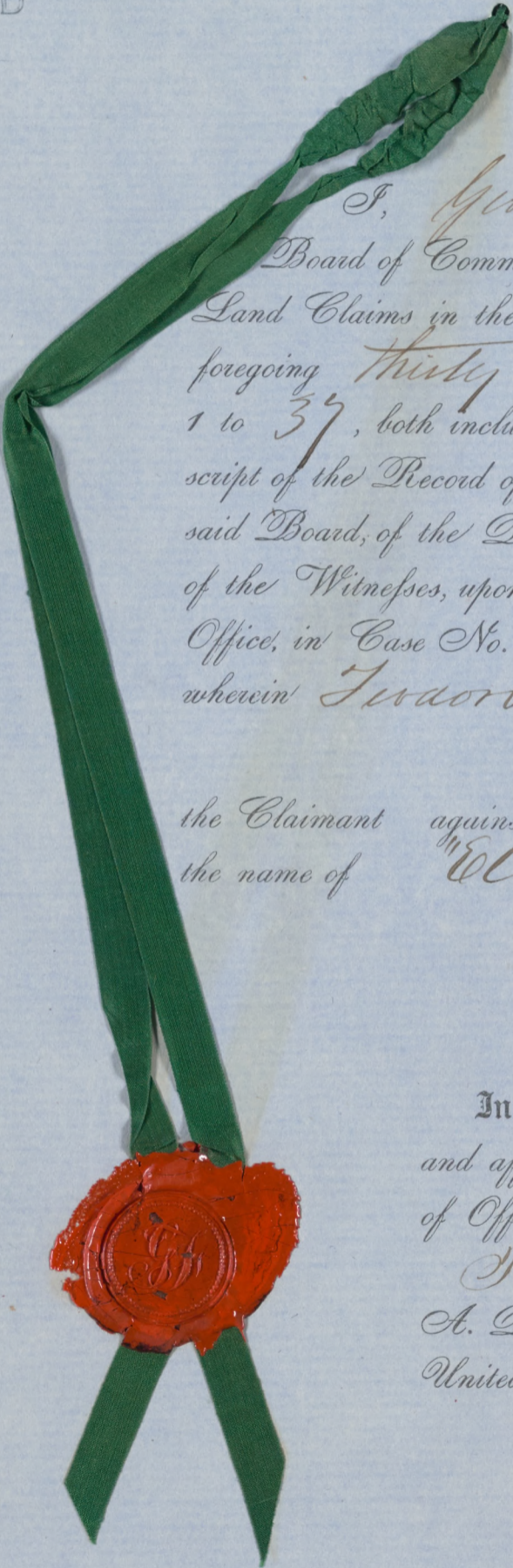
Filed in office Nov 22. 1853

Geo Fisher
Secy

59 SD
PAGE 39

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims in the State of California.



I, *George Fisher*, Secretary to Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *thirty seven* pages, numbered from 1 to *37*, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. *143* on the Docket of the said Board, wherein *Tudor Arriales* is

the Claimant against the United States, for the place known by the name of "*El Rincon*"

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *Twenty Second* day of *August* A. D. 1855, and of the Independence of the United States of America the seventy=*ninth*

Geo. Fisher
Secy.

59

U. S. DISTRICT COURT,
Southern District of California.

No. *59* Docket

THE UNITED STATES,

vs. ad vs. 59

Theodoro Arrellano
"El Rincon."

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS.
In Case No. *163*

Filed, *August 30th* 1854

W. A. Carter
Clerk

59



United States District Court
for the Southern District of California.

59 SD
PAGE 40

Tedoro Arellanes Petition of the Appellant,
Appellant praying the Court to review
vs the decision of the United
The United States States Land Commissioners.
Appellees.

Your Petitioner, Tedoro Arellanes, respectfully shows unto this Honorable Court, that on the 30th day of September 1833, he applied to the proper authorities for a grant of the Rancho called "El Rincon," situate in the then jurisdiction of Santa Barbara, Territory of Upper California, and in the new County of Santa Barbara, State of California, and that on the 8th day of January 1834 he received a provisional grant or permission to use and cultivate parts of said land; that on the 6th day of June 1835, he again applied to the Governor of California, for a grant in fee of said land, and on the 22^d day of June 1835, Josep Figueroa, Governor of California, by virtue of authority in him vested, granted to the petitioner the said tract of land, which grant was duly approved by the Territorial Deputation of California, on the 25th day of September 1835; that after the said approval of the Territorial Deputation, and after the death of said Governor Figueroa, to wit, on the 1st day of October 1835, Jose Castro, first Vocal of the Deputation, and acting Governor of California, signed and delivered to petitioner a document of final title, conveying to him the ownership of the aforesaid tract of land, containing one square league, a little more or less, with the boundaries described in the grant, and in the maps which accompanied his petition, and is referred to in the grant as being in the Expediente and as identifying the

land intended to be granted.

Your petitioner further shows that under the aforesaid permission of occupation and cultivation, he entered into the possession of the said land and was in possession of the same from that time until the said final title was issued to him, and that he has continued ever since, and now is, in the quiet and peaceful possession of said land; that he has occupied the said land for more than twenty years, cultivating portions of it, and using the other portions for stock raising; and that all the conditions of the said grant have been faithfully performed.

Your petitioner further shows that in the month of May 1850, the local magistrate of Santa Barbara, duly surveyed and designated the boundaries of said land, giving to the petitioner the juridical possession thereof, according to the usage and custom of the Country:

Your petitioner further shows that the said Rancho or tract of land is situate in the Southern District of California;

Your petitioner further shows that on the 5th day of April 1852, he presented his claim to the said land to the United States Land Commissioners appointed under the act of Congress passed on the 3^d of March 1851, entitled "An act to ascertain and settle the private land claims in the State of California", when sitting as a Board and prayed the said Board to confirm it; and that on the 22nd day of November 1853, the said Board of Commissioners decided upon the validity of the petitioner's said claim and rejected it.

Your petitioner prays that the Transcript of the Report of the said Board of Commissioners on the claim presented to them as aforesaid, and of the documentary evidence and testimony of the witnesses on which it was founded, which is filed with the Clerk of this Court as directed by the 12th Section of the act of Congress passed on the 31st of August 1852, entitled "an act making

"appropriations for the Civil and diplomatic expenses of
"the Government for the year ending the thirtieth of June
"1853, and for other purposes, may be held and considered
as part of this petition.

59 SD

PAGE 42

Wherefore your petitioner appealing from the said
decision of the Board of Commissioners, presents this
petition to the Honorable the District Court for the
Southern District of California, being the District Court
of the District in which the land is situated, and he
prays this Honorable Court to review the said decision
of the said Board of Commissioners, and to decide upon
the validity of his claim.

Wm. Peck & Billings,
Attorneys for Appellant

No. 59.

United States District Court
Southern District of California.

Teodoro Arellanes
Appellant

vs

The United States,
Appellees.

Petition of Appellant on
appeal from U. S. Land
Commissioners.

No. 163

Filed Dec 26. 1854.

59 SD

b. p. favor.
cer.

PAGE 43

Walter Leachy, Billings,
Attorneys for Appellant.

United States District Court for the
Southern District of California

Teodoro Arrellanes, Appellant, Notice of intention to prosecute
vs the appeal from the decision of
The United States, Appellees the United States Land Commissioner

Teodoro Arrellanes, Claimant of the Rancho called
"El Rincon," situate in the County of Santa Barbara
in the Southern District of California, hereby gives
notice of his intention to prosecute an appeal from
the decision of the Board of Commissioners in his
claim for the said land, which claim was presented
to the said Board of Commissioners, and by them
rejected: His claim being that which is numbered
in the Docket of said Board of Commissioners No.
163, the transcript whereof as filed in this office
is numbered No.

Halleck, Beachy, & Billings
Attorneys for Appellant.

No 59.

United States District Court
Southern District of California

Theodor Mellanes
Appellant
vs

The United States
Appellees.

Notice of intention to
prosecute appeal.

Filed Dec 26. 1834.

59 SD

PAGE 45

Walter Beachy & Billings
Attorneys for appellant

United States of America, }
Southern District of California. } SS.

TO

The President of the United States,

*Pacificus Ord., Attorney of the United States
for the Southern District of California.*

59 SD

PAGE 46

GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against ~~you, and each of you,~~ ^{The United States} in the District Court of the United States, in and for the Southern District of California, on the *Twenty Sixth* day of *December* in the year of our Lord one thousand eight hundred and fifty-four at the City and County of Los Angeles, in said District, by *Teodoro Arrellanes*, praying the said Court to review, upon the grounds therein set forth, the decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California, on his claim to a Tract of land called "El Rincon", in the County of Santa Barbara, California, which said claim was presented by said *Teodoro Arrellanes*, Plaintiff, to said Commissioners on or about the 5th day of April 1853, and by them ~~confirmed~~ ^{reported} on the 22^d day of November, 1853.

and that you, ~~and each of you,~~ are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs. ~~The plaintiff will apply to the Court for the relief demanded therein.~~ *The plaintiff will apply to the Court for the relief demanded therein.*

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this *Fourteenth* day of *February* in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

J. E. Carr,
Clerk.

Marshals cost
 Copying summons
 four folios at
 30 cts a folio 1.20
 Serving summons 4.00
 Serving petition 4.00
 9.00

No. 59

United States of America,
 Southern District of California,
 U. S. District Court.

Teodoro Arellanes
 Appellant.

vs.

The United States
 Appellees.

59

SUMMONS.

Received February 15-1855
 Edward Hunter
 U S Marshal

59 SD

PAGE 47

I served this summons along with the proper copy of the petition upon *Pacificus Bret*
 Attorney of the *United States* for the Southern
 District of California, by leaving with him
 personally a duly certified copy of the
same
 at *Los Angeles*
 the *fifteenth* day of *February* in the Southern District of California on
 A. D. 1855
 Sworn to and subscribed before me, *Thos. J. Carr*
Notary Public
 on the 27th Feb 1855
J. S. Carr Clerk
Edward Hunter
 U. S. Marshal

1.

In the District Court of the United States for the Southern District of California, Los Angeles, Los Angeles County.

59 SD
PAGE 48

Teodoro Arrellanes, } (N^o 163.)
Appellant. } Answer to the petition of
vs. } the Appellant, praying
The United States, } the Court to review the
Appellees. } decision of the U.S. Lands
Commissioners.

The answer of Pacificus Ord, Attorney of the United States for the Southern District of California, in behalf of the United States, to the petition of Teodoro Arrellanes, (filed December 26th 1854.) alleging, that on the 5th day of April 1852, he presented his claim to the United States Land Commissioners appointed under the act of Congress, passed on the 3rd of March 1851, ~~entitled~~ entitled, "an act to ascertain and settle the private land claims in the State of California"; to a Rancho called "El Rincon", situated in the County of Santa Barbara, California, containing one square league, a little more or less, with the boundaries described in the grant, and the map to which which accompanied his petition asking for said Rancho, and referred to as being in

The expedients and as identifying the land intended to be granted; and ~~praying~~ ^{prayed} the said Board to confirm it; and that, on the 22nd day of November 1853, the said Board of Commissioners decided upon the validity of the said claim, and rejected it; and praying this Honorable Court to review the said decision of the said Board of Commissioners, and to decide upon the validity of his claim.

59 SD
PAGE 49

And the said Attorney, answering said petition, in behalf of the United States, denies generally, all and singular, each and every allegation in the said petition contained; and ^{denies} specially, "that on the "30th day of September 1833, he applied "to the proper authorities for a grant of "the Rancho called "El Rincon", situate in "the then jurisdiction of Santa Barbara, "Territory of Upper California, and in the "New County of Santa Barbara, State of "California; and that on the 8th day of "January 1834, he received a provisional "grant or permission to use and cultivate "parts of said land; that on the 6th day "of June 1835, he again applied to the "Governor of California, for a grant in fee "of said land; and on the 22nd day of "

"June 1835, José Figueroa, Governor of
 "California, by virtue of authority in him
 "vested, granted to the petitioner the
 "said tract of land, which grant was
 "duly approved by the Territorial Deputation
 "of California, on the 25th day of September
 "1835; That after the said approval of
 "the Territorial Deputation, and after
 "the death of said Governor Figueroa, To wit,
 "on the 1st day of October 1835, José Castro,
 "first Vocal of the Deputation, and acting
 "Governor of California, signed and deliver-
 "ed to petitioner a document of final
 "title, conveying to him the ownership
 "of the aforesaid tract of land, containing
 "one square league, a little more or less,
 "with the boundaries described in the
 "grant, and in the Map which accom-
 "panied his petition, and is referred to
 "in the grant as being in the expediente
 "and as identifying the land intended
 "to be granted", as alleged: And he
 "further specially denies, "that under the
 "aforesaid permission of occupation and
 "cultivation, he entered into the possession
 "of the said land, and was in possession
 "of the same from that time, until the
 "said final title was issued to him, and"

59 SD

PAGE 50

59 SD
PAGE 51

"that he has continued ever since, and
 "now is, in the quiet and peaceful posses-
 "sion of said land; that he has occupied
 "the said land for more than twenty
 "years, cultivating portions of it, and
 "using the other portions for stock raising;
 "and that all the conditions of the said
 "grant have been faithfully performed",
 "as alleged: And he further specially
 "denies, "that in the month of May 1850,
 "the local Magistrate of Santa Barbara,
 "duly surveyed and designated the
 "boundaries of said land, giving to the
 "petitioner, the juridical possession thereof,
 "according to the usage and custom of
 "the Country," as alleged in said petition.

And the said Attorney, of the United States, in pursuance of the provisions of the said Act of Congress of the 3rd of March 1851, herein fully sets forth the grounds on which the said claim is invalid - To wit: -

1. That the said alleged provisional grant or permission of the proper authorities to use and cultivate parts of the said Rancho or tract of land called "El Rincon" dated the 8th day of January 1834, and the said alleged grant in fee of said

59 SD
PAGE 52

land, by Josi Figueroa, Governor of California, dated the 22nd day of June 1835, were made in violation of the 4th Article of the Colonization law of Mexico, of the 18th of August A.D. 1824, in this:—That the land granted, as alleged by Claimant, was and is within ten leagues of the Sea Coast. And there is no evidence shown by said Claimant, that the Supreme General Executive power of Mexico, previously approved of the Colonization of the public lands in Upper California, lying within ten leagues of the Sea Coast. And it is denied that the previous consent of said Supreme general Executive power of Mexico, in such case, was ever had.

II. That at the date of the said alleged permission to occupy and cultivate, and the grant of said land in fee, it was occupied by, and in the possession of the Missions of the Territory of Upper California; and particularly by the Mission of San Buenaventura; and could not therefore be Colonized.

III. That the said alleged grant in fee, has not the conditions required by, and is not made in entire conformity with the ^{said} law of Mexico, of the 18th of August

A.D. 1824, and the regulations for the Colonization of the Territories of Mexico, of the date of the 21st of November 1828.

IV. That the said alleged Governor José Figueroa, had no lawful authority to grant said land, as alleged; for the reason, that the said land was, at the time of the said alleged grant to said claimant, in the use of the Government of Mexico: and the said land was then a Reserve for the pasturage of the ^{horses of the} Government Company of Troops of the Prisión of Santa Barbara.

59 SD
PAGE 53

V. That the said alleged grant in due form of said land, by Governor José Figueroa, dated the 23rd day of June A.D. 1835, and purporting to have been signed by José Castro, the alleged Governor ad interim, is invalid; for the reason, that the said José Castro, had no lawful authority to sign said alleged grant of said José Figueroa, in the manner and form as alleged.

VI. That the said alleged grant of the said date of the 23rd of June 1835, and purporting to have been signed by José Castro on the 1st of October 1835, is not executed upon the lawful stamped paper.

59 SD
PAGE 54

VII. That the said alleged grant of said date, was made subject to the approval or disapproval of the Deputation (of California), and the Supreme Government (of Mexico). And the said claimant fails to show that the said alleged grant of said land was ever approved by the said Supreme Government of Mexico. And it is denied that it was ever approved by the said Supreme Government; and it is further denied that there is sufficient evidence that the said grant was ever approved by the Deputation of California, as alleged.

VIII. That the said alleged grant has not the conditions thereto, which were imposed by the Deputation of California, in their alleged approbation of said grant, of the date of the 25th of September 1835; - particularly the conditions to be imposed, should the land be declared to belong to the Common Lands (Ejidias) of the Pueblo of Santa Barbara.

IX. That the said alleged grant, contains no sufficient description of the locality, extent, and boundaries of the land, by which it can be identified and surveyed. That the Grant referred to therein is vague and indefinite, and does not sufficiently explain and correspond with

with the calls or description of boundaries in the said alleged grant. And the said alleged grant and Trap are vague, indefinite, and void for uncertainty.

59 SD
PAGE 55

X. That there is no sufficient evidence that the said claimant performed the conditions of the said alleged grant, and the requirements of the law: That there is no evidence that he asked the lawful authority for, or received the lawful possession of the said tract of land, as required by the conditions of the said alleged grant. And it is denied that he ~~has~~ performed the conditions of the said alleged grant, and the requirements of the law; and that he ever asked the lawful authority for, or received the lawful possession of the said tract of land.

XI. That there is no sufficient evidence that the claimant built a house on the said tract of land, and inhabited it, within one year from the date of the said alleged grant; and that he cultivated the said tract of land. And it is denied that he built a house upon the said tract of land, and inhabited it, within one year from the date of the said alleged grant; and that he cultivated

The said tract of land; and that he asked for & received the juridical possession of the same, within one year from the date of the said grant.

59 SD
PAGE 56

XII. That the alleged juridical survey and possession of the said land, dated the 7th 9th & 13th of May 1850, was not made according to the said alleged grant and the map referred to therein; nor according to the Ordinance, or law: that it is vague, indefinite and void.

XIII. That there is no evidence that Joaquin de la Guerra was a Judge of First Instance and Alcalde of Santa Barbara, on the 7th 9th & 13th of May 1850, and that he had as such, at that time, lawful authority to make the survey and give the juridical possession of the said tract of land. And it is denied that the said Joaquin de la Guerra was a Judge of First Instance and Alcalde of Santa Barbara on the 7th 9th & 13th of May 1850, and that he had as such, at that time, lawful authority to make ^{the} survey and give the said claimant the juridical possession of the said tract of land, as alleged by said claimant, in his said petition to said Commissioners. And the said

pretended judicial act or acts of survey and possession of said land, by said Joaquin de la Guerra, of said date, are illegal and void.

59 SD
PAGE 57

XIV. That the said Claimant shows no definitively valid title for the said tract of land, claimed by him in his petition to said Commissioners, and in his petition for review to this Hon^{ble} Court. And it is denied that he ever had, or has any definitively valid Grant or title for said tract of land.

Wherefore, the premises considered, the said Attorney, respondent in behalf of the United States, prays that the said Claimant may be served with a copy of this answer; and, that after due proceedings, this Honorable Court will decide the said claim of said petitioner, for said tract of land, to be invalid; and to decree costs against him - and general relief.

P. Ord
(of Monterey County)
Attorney of the United States for the
Southern District of California.

I served this answer upon Theodore Arrellance by
leaving with him personally a ^{certified} ~~true~~ copy of the
same, in the Town of Sparta, Alabama this 3. day of
April 1855.

C. Hunter
U. S. Marshal
By R. J. Jones. Deputy

Sworn to & subscribed
before me this 23. day, 1855.

J. E. Farr
clerk.

No. ~~11~~ 57.

United States District Court,
Southern District of California.

Theodore Arrellance,
Appellant.

vs.
The United States,
Appellee.

Answer of Attorney of U. S.

Filed July 24. 1855.
J. E. Farr
clerk

In the District Court of the United
States for the Southern District of
California,

Teodoro Arrellanes

vs.

The United States

vs.

Teodoro Arrellanes

or his Attorney.

N. 59.

(Manuscript N. 163)

Take notice that the above entitled
cause will be brought to a hearing
by the United States, on the 19th
day of October A. D. 1835, or as
soon thereafter as the same can
be heard by the Court.

Los Angeles

October 11th 1835.

T. O. S.
Att. Dist. Ct.

N^o 59.

Jedroo Amillanes

vs.

The States,

Notice of hearing by
the States,

Filed Oct. 11th 1835.

J. E. Jan.
clerk.

59 SD

PAGE 60

P. M. Atty. G. S.

Teodoro Arrellanes, applt

vs.

No 59.

The United States

El Rincon.

59 SD
PAGE 61

Deposition of Anastasio Carrillo, a witness for applt taken before me Chas E. Carr. U. S. Commissioner for the Southern District of California, at my Office in Los Angeles, Oct the 11th 1857, to be read in evidence on the trial of the above entitled cause.

Present A. F. Rinckman, Attorney for Appellant, and P. Ord, U. S. Attorney. Wm. G. Dryden was sworn as Interpreter.

Anastasio Carrillo, being by me first duly sworn, in answer to questions propounded by Counsel for the several parties, upon his oath replies as follows.

Ques. What is your name, age, and place of residence.

Ans. My name is Anastasio Carrillo, my age 67 years, my residence Santa Barbara.

Ques. How long have you resided in Santa Barbara

Ans. — Permanently 52 years.

Ques. Do you know the Ranch in Santa Barbara County called Rincon

Ans. I do.

Ques. Do you know who the present claimant is before this Court.

Ans. I believe Don Teodoro Arrellanes is the claimant of it before this Court.

Ques. Do you know a place in the County of Santa Barbara called La Poca, if so what is

it, and where is it.

Ans. I do. It is situated east of the town of Santa Barbara, It is a ravine from which issues asphaltum and water at times —

59 SD

PAGE 62

Ques. Is it a point easily distinguished, and how long has it been known by the name of La Brea.

Ans. It is easily known, and has had the name of Brea for many years —

Ques. Was it generally known by that name before the year 1834,

Ans. — Yes, it was.

Ques. Do you know a place in Santa Barbara called Arroyo de las Sauced.

Ans. I do.

Ques. Describe it.

Ans. It is a little east of the place called the Brea — a ravine with water which comes down from the hills.

Ques. Is the course of the Arroyo well marked.

Ans. Yes its course is well described.

Ques. Was the Arroyo known by the name you have given it, as early as 1834.

Ans. It was known by that name ever since I have been in Santa Barbara 52 years —

Ques. Do you know in Santa Barbara County

An arroyo called delas Casitas.

Ans. I do —

Ques. Where is it and what is its course.

Ans. This ravine is on the east of the
Ravine called the Rincon, It runs
from east to west and joins with the
Ravine of the Rincon.

Ques. How far is it from the place called
La Brea to the arroyo de las Sauces.

Ans. I think two leagues a little more or less.

Ques. How far from the Arroyo delas Casitas
to the Beach.

Ans. Not quite a league.

Ques. Where is the Arroyo del Rincon that you
have mentioned.

Ans. This Ravine is what gives name to
the place called Rincon, it actually
runs through what is called the Rincon
Tract.

Ques. How is the Arroyo del Rincon
situated with regard to the Arroyos de
las Sauces, and La Brea.

Ans. It runs almost in the center be-
tween the two places.

Ques. Do you know a place called Mesa
de los Cepes.

Ans. I know the place, It is situated west
of the Rincon Ravine, and it is a table

land something like a Potrero, and is near the Arroyo Ravine.

59 SD
PAGE 64

ques. Do you know a place in the County of Santa Barbara, called Rosa de Castilla, if so, what is it and what is its situation.

ans. I do. It is a small plain in the bottom with a few bushes of the Rose of Castile and is near the Arroyo Ravine

ques. Look at the map here shown you marked "A. C. F. U.S. Comr." and state whether ^{presents generally the relative position of the several} it is a ~~correct representation of the~~ places you ^{& described in the introduction of the map.} have already mentioned. (Question objected to by the U.S. Atty)

ans. I have looked at the map, and generally find those places correctly laid down. (Cross examined by U.S. Atty)

ques. What means have you of knowing the distance from the place called La Brea, ~~and~~ to the Arroyo de las Saucos.

ans. Because I have passed over the ground many times, and I judge it to be the distance I have stated.

ques. What means have you of knowing the distance from the Arroyo de las Casitas to the Beach.

ans. Because I have passed over it many times, and I may say that I was raised on

that place

Ques. How far is this land from Santa Barbara,

Ans. A little more than four leagues.

Ques. How long have you lived in Santa Barbara.

Ans. For the last fifty-two years -

Ques. Do you know the boundaries of the Comuna

59 SD

PAGE 65

lands of the Town of Santa Barbara, at the time they were first established if you, state them. (Question objected to by Counsel for Claimant)

Ans. I do. When Santa Barbara was a Pueblo or Village, its Common lands extended on one side as far as the Carpinteria, and on the other side a little beyond the Old Mission, on the other sides by the Mountains and the Sea. The line beyond the Old Mission is definitely marked but I don't remember exactly where it was.

Ques. When were these boundaries of Santa Barbara you have mentioned established (objected to by Counsel for Claimant)

Ans. I do not remember, I don't remember whether it 20 or 30 years ago - I was a military man, often called off, and I cannot fix the time.

Ques. Were there any lands adjacent to

reserved by the Government
Santa Barbara, previous to the year
1835, for the purpose of Pasturing
horses in the use of the Government,
if you, state what places were so
reserved, and particularly state
whether or not the place which
you have described called El Rincon
was not reserved by the General
Government for military purposes.

Ans. No. I do not know ~~the~~ (question
objected to by Counsel for Claimant).

Ans. No. I do not know of any lands
near Santa Barbara that were
reserved by the Government for military
purposes.

Ques. Have you ever seen the horses
of the Government Company of Cataly
of Santa Barbara pasturing upon
and occupying the Rincon which
which you have described, and if you
state when you have so seen them.

Ans. They pastured ~~was~~ on this place,
on the Carpinteria and in every
place wherever they pleased.

Ques. Was not this place of the Rincon
~~considered as being~~ claimed by
the Company of the Peridos of Santa
Barbara in the year 1833.

ans.

I was there, but I do not recollect of
their having claimed it. Agent Carrillo
sworn to & subscribed

3

59 SD
PAGE 66A

before me this 11th day
of Oct. 1855.

J. C. Carr
U.S. Com

No 59.

4

U. S. Dist Court.
South Dist of Cal.

Leodora Anellanes,
appet.

vs.

The United States,
appellee.

Deposition of
Anastasio Carrillo.

Filed Oct 11th 1855

59 SD

PAGE 67

J. E. Jan
clerk

In the United States District Court of
the Southern District of California
Los Angeles County.

Tedoro Arrellanes - Appellant } El Rincon
vs. }
The United States - Appellee } No 59.

It is hereby stipulated by P. Ord, District
Attorney of the United States for the Southern
District of California and by A. F. Hinckman
Attorney for the Appellant that so much
of the Transcript in this case sent by the United
States Board of Land Commissioners to said
District Court as is contained in pages 24.
25. 29. 30. and 31 ~~is~~ a copy of the documents
referred to in the testimony of Pablo de la
Guerra before said Board as documents
marked "No 1." and "No 2" and annexed
to his deposition.

P. Ord Dist Atty, U.S.

Los Angeles

October 12. 1853

A. F. Hinckman
Atty for Appellant

No 59
El Rincon

Pedro Arellanes
Appellant

vs.
The United States
Appellee

Stipulation as to
Errors in Transcript

Filed Oct 12th 1855.

C. E. Cawen

By J. W. Ransom

In the United States District Court
for the Southern District of California
Los Angeles County

Prodrigo Arellanes - Appellant } El Rincon
vs. }
The United States - Appellee } No 59

Ordered - That the claimant Prodrigo Arellanes have leave to withdraw from the papers now on file in this case, a Petition for review filed on the 10 day of September 1853, also a certified copy of a deed from said Arellanes to M.H. Biggs, filed on the 20th day of September 1853, also a certain affidavit of said Biggs filed on the 10th day of September 1853

5
No 59.

U.S. Dist Court,
South Dist of Cal.

Teodoro Mellades,
applt.

vs.

The U. States
Appellee

motion & order to withdraw
papers granted

Filed Oct 15. 1858.

J. E. Carr,
Clerk.

59 SD

PAGE 71

In the U States District Court for
the Southern District of California,
Special Term Sept 1855.
Los Angeles.

59 SD
PAGE 72

Tedoro Arrellanes } N^o 39.
ads. }
The United States } Transcript N^o 163.

On motion of P. O. Attorney of the
United States for the Southern District
of California, it is Ordered by the Court,
that an appeal be granted the United States,
to the Supreme Court of the United States,
from the judgment of this Court against
the United States, in the above entitled
cause, rendered on or about the 18th
day of October A. D. 1855.
P. O. A.
U. S. Dist. Atty.

No 59.

U.S. Dist Court.
South Dist of Cal.

Nedoro Arrellanes, Appie

vs.

The United States, Appll.

Order of Appeal to the Supreme
Court on Motion of P. O. D.
U.S. Atty.

Filed Oct 19th 1855

59 SD *J. E. Lawrence*
PAGE 73 *W. H.*

UNITED STATES OF AMERICA, }
Southern District of California, } SS.

The President of the United States,

TO

J. M. Domingo

59 SD

PAGE 74

Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *you* in the District Court of the United States, in and for the Southern District of California, on the *14th* day of *January* in the year of our Lord one thousand eight hundred and fifty-*six*, at the City and County of Los Angeles, in said District, by

U.S. Dist. Att.
praying the Court to review the decision of the U.S. Land Commission confirming your claim to a tract of land called "Lot of land near San Gabriel"

and that *you* are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said Petition, or the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *14th* day of *January* A. D. 185*6*.

J. E. Carr

CLERK.

U.S.

Marshal Cook
Copying summons, 60
Serving " 3.00
" Copy of Petition 3.00
2.80

UNITED STATES OF AMERICA,
Southern District of California,
U. S. District Court.

The United States

by
Edward Hunter

SUMMONS.

Received July 14th 1856

Edward Hunter

U. S. MARSHAL.

Richard Goodhead
59 SD Deputy
PAGE 75

I served this Summons, together with a certified copy of the Petition, upon J. R. Scott
Atty - for Appellee by delivering to
him a paper copy of the same

at Los Angeles
the 12th day of July in the Southern District of California, on
A. D. 1856.

Sworn to and subscribed before me, this 12th
day of July 1856. J. E. Jones
CLERK.

Edward Hunter
U. S. MARSHAL.

In the District Court of the United States
for the Southern District of California

59 SD
PAGE 76

Theodore Arrellanes }
vs } appellu } Case No. 59
the United States }
appellant } Transcript No. 163

In pursuance of a letter from the Attorney
General of the United States hereto annexed
giving notice that ~~it is not the~~ in the
above cause the appeal will not be
further prosecuted by the United States.

It is hereby stipulated and agreed by and
between the parties that the decree of this
Court heretofore rendered in this cause
may by order of the Court be made final.

P. M. Kelly,

Puckard & Finchman
Attys. for appellant

No 59

Stipularis

Ohio 24th Feb 1857

Le Sueur Ark

J. M. M. M. M.
Step

California Land Claims.

Attorney General's Office

10 September 1851

59 SD

PAGE 78

Sir,

In the case of the claim ofodoro
Arrellanes, confirmed to the claimant by
the Commission, Case no. one hundred and six-
ty-three (163), and also confirmed on appeal by
the District Court, appeal in the Supreme Court
will not be prosecuted by the United States.

I am

Respectfully

Piercing

Pacificus Ard Esq.

U.S. Atty for the

Southern Dist. of California

VV

59. -15927

Leodazio Arrellanus

163

Filed 24th February 1857

C. S. S. S. S.
J. M. Coleman
Sept

59 SD

PAGE 79

Rec No 211836

1
In the District Court of the United States for the
Southern District of California

59 SD
PAGE 80

Rodrigo Mellan ¹¹ appellant
The United States
appellee

Case No 59
Transcript 163

E. K. Keiser

This cause coming on to be heard on appeal from the final
decision of the United States Board of Land Commissioners to
ascertain & settle Private Land Claims in the State of California
on a transcript of the proceedings and decision of said Board,
and on the papers and evidence on which such decision
was founded, and on additional testimony taken in this
court and it appearing that said transcript and said no-
tices of appeal were duly filed, and counsel for the respec-
tive parties having been heard

It is ordered, adjudged and decreed that said
decision of said Board rejecting the claim of the appellants
be & is hereby reversed, and further that the appellants'
claim be confirmed to the extent of one square league
of land to be contained within the boundaries described
in the grant and in the map to which the grant refers,
and should there be contained within said boundaries
more than one square league, then this confirmation is for
~~one~~ ^{one} square leagues and no more,

The land whereof confirmation is hereby made is
situated in the County of Santa Barbara and is called "E. Keiser"
and is bounded by the "Arroyo de las Saucos" the "Arroyo de
la Pica" the "Arroyo de las Facetas" and the sea shore

Provided that if said described tract of land
contains a less quantity than one league, this con-
firmation is adjudged & decreed as to said less quantity.

No 59
El Rincon

U S Dist Court
South Dist California

Rodolfo Wellington
Appellant

The United States
Appellee

59 SD
PAGE 81

Received
Filed this 18th March 1858
C. Sims, clk
J. H. Coleman
Dep

Recorded in page 274

126
This case and judgment in open
court this 18th day of March
A D 1858.
James H. Quinn
U S Dist Judge

Index of Transcript
Case No 59. - El Rincon

59 SD

PAGE 82

	Pages	
1	3-4	Claimant's Petition to Board of Land Commissioners
2	5	Deposition of P. DelaGuerra proving signatures to Grant and occupation
3	6	Deposition of Auto. Ma Dela Guerra proving occupation
4	7-11	Papers having no connexion with Claimant's Title.
5	11-16	Espediente - Approval of Territorial Deputation
6	18-23	Translation of Espediente
7	24-25	Grant to Claimant
8	26-27	Translation of Grant
9	29-31	Record of Survey and Judicial Possession
10	32-35	Translation of Record of Survey
11	36-37	Opinion of the Board of Com'rs.
12		Decree " " " " " "

No. 59
El Rincon

Teodoro Arillaues
Appellant

vs.

The United States
Appellee

Index of Transcripts

59 SD

PAGE 83

Moreover the existence of these natural ^{objects} boundaries as
 defined as the extreme limits within which the land granted
 was located, he also proves that the land occupied by
 Appellant was within these boundaries, ~~that is sufficient~~
~~to~~ the occupation and cultivation of the land
 is fully proved by the other witnesses, and it is also proved
 that Appellant has been living upon the land and cultivating
 in more than twenty years.

This shows such an equity in favour of the Claimant
 as should ought to entitle him to a confirmation of
 the land; though his grant tested by strict legal rules
 be not, might not merit a full legal title.

I think the claim of Appellant is therefore
 confirmed and a decree will be entered reversing
 the decision of the Commissioners —

~~The Map.~~

The Objection objected to the introduction of the
 Map offered in evidence in connection with the
 testimony of Don Anastasio Corrallo

I think the objection well taken and therefore the
 map ~~was not~~ ~~been~~ must be struck out